

### ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application, and for the personal interview conducted on April 18, 2006. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter, which applicants regard as the invention.

Claims 2-15 remain in this application. Claim 1 has been canceled. Claims 16-19 have been added by the amendment.

The Examiner objected to the drawings for not showing reference 65b. At the personal interview, applicant's representative pointed out that page 33 of the specification recited 65b, and the Examiner agreed to withdraw the objection.

The Examiner also objected to the drawings for not showing said device having a unitary shell member forming said outer surface and defining an inner space distinct from said channel. At the personal interview, applicant's representative pointed out that Figs. 22 and 23, along with the discussion on pages 31 and 32 of the specification, show the feature and refer to the embodiments of Figs 25 and 26, and the Examiner agreed to withdraw the objection.

The Examiner objected to claims 3 and 14 for improper antecedent basis. The claims have been amended, making the objections moot.

Claims 2 and 6 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, for not showing channels as claimed having varying cross-sectional dimensions or shapes. At the personal interview, applicant's representative pointed out that pages 24 and 35 of the specification support the claimed material, and the Examiner agreed to withdraw the rejection.

Claims 4, 7, 8, and 10-15 were rejected under 35 U.S.C. §102(e) as being anticipated by Gerbert (U.S. 6,549,635). For the following reasons, the rejections are respectfully traversed.

At the personal interview, applicant argued that Gerbert does not show a channel "comprising a part provided in and along said shell member" as recited in

claim 8. It was further discussed that adding a limitation that "a substantial portion of said channel following a contour of said outer surface" would help clarify the claim, and the Examiner agreed that such a limitation would likely overcome the cited prior art. Accordingly, claim 8 is patentable over the reference, as are claims 4, 7, and 14-15, which depends on claim 8. Similarly, claim 11, as amended, recites that a "substantial portion of said channel" follows a "contour of said outer surface" and thus claim 11 is patentable over the reference as well. Claims 12 and 13, which depend on claim 11, are thus also patentable over the reference.

Regarding claim 10, applicant's representative believes that this claim was improperly listed here, as the Examiner later admits that Gerbert does not teach the limitation of the channel being tuned to have specific acoustical characteristics (see page 8 of the Office action).

Finally, Applicants note that Gerbert does not teach an acoustically sealed acoustic lead between an opening and a transducer output, as recited in new claim 16, and thus that claim is patentable over the reference, as are dependent claims 17-19.

Claims 3, 5, and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gerbert in view of Johnson (U.S. 6,549,635). For the following reasons, the rejections are respectfully traversed.

The Examiner cites Johnson as teaching a channel tuned to have specific frequency characteristics, citing item 54 of Figs 5-8 and col. 1, lines 42-48. However, as discussed at the personal interview, the reference clearly teaches that item 54 is an "inner chamber", which one skilled in the art would understand is not a "channel". For example, some applicable definitions of a "channel" are "a usually tubular enclosed passage" or a "long gutter, groove, or furrow" (see Merriam-Webster online dictionary). There is no definition consistent with the application that would define a "channel" in a manner that would include a "chamber" as that term is used by the Johnson reference. Furthermore, Johnson does not overcome the above-cited deficiencies of Gerbert. Hence, the claims 3, 5, and 10 are patentable over the combination of references.

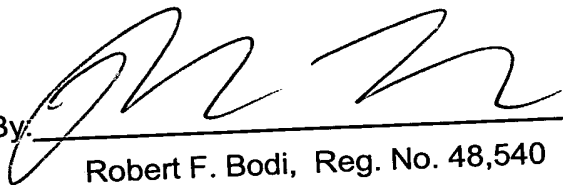
Appl. No. 09/669,042  
Amdt. Dated May 12, 2006  
Reply to Office action of December 14, 2006

Accordingly, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32992.

Respectfully submitted,

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